



Summary of Changes in the 2017 Agreement for Professional Services

Note: This summary of changes is for general information only and is not meant to be a full and complete presentation of all changes made to the 2017 Agreement for Professional Services. The primary intent is to capture in broad terms the nature and scope of the changes rather than to identify every word or editing change. This document should not be relied upon as an absolute comparison that identifies each revision.

SECTION	CHANGE
General	
Document	Further clarification of requirements and wordsmithing occurs throughout the text.
Terms	<ul style="list-style-type: none"> The Bureau of Architecture and Engineering is changed to Bureau of Pre-Construction. Using Agency changed to Client Agency.
e-Builder	The use of the cloud based software system is added to the document throughout.
Agreement	
3 rd WHEREAS	Added member of the Department's Professional Selection Committee to the list of persons that are not to receive any compensation or gratuity from the Professional.
Para. 1, Scope of Project	A Negotiated Project Scope will now be included as an attachment to the Agreement. This scope will be prepared by the Professional and reviewed by the Department during Agreement negotiations.
Para. 2, Time Schedule	<ul style="list-style-type: none"> Hard dates for design submissions are replaced with number of days after effective date of the Agreement. Anticipated dates for bid opening and final inspection are removed.
Para. 3, Adherence to Time Schedule	<ul style="list-style-type: none"> Approved extensions of time for submissions can now be granted in writing by the Director of the Bureau of Pre-Construction vs. an Agreement Amendment. A denied extension of time may result in a negative performance evaluation. A termination of the Agreement over a denied time extension may hold the Professional responsible for costs attributed to a delay and may result in a negative performance evaluation.
Para. 4, Compensation and Costs	<ul style="list-style-type: none"> A schedule of Basic Services payments is added for all design submissions, procurement services, construction administration and final payment. Note that a fee for bidding services is added. A statement has been added that no additional services work shall be performed without prior written approval of the Department. The compensation percentage for non-error/omission change orders will be established in the agreement.
Para. 6, Small Diverse Business and Small Business Participation	Added
Former Para. 7, Claims	Removed and replaced with new General Conditions Article 14, Disputes.

Para. 8, Laws, regulations and Commonwealth Provisions	Added
2010 para 10, Notices	Removed in the 2017 Edition.
Para. 13, No Privity of Contract	Added
Para 15, Professional Evaluations	The Department's requirement of providing written notice of unsatisfactory evaluations and the Professional's reply has been removed.
2010 para 17, Additional Services Compensation	Moved to 2017 Para. 4.
Para. 21, Merger Clause	Added
Exhibit A, List of Professional's Consultants	
	<ul style="list-style-type: none"> The reference to the Professional's 150 Form is replaced with Design Professional Selection Application. The terms Small Diverse Businesses and Small Businesses are added and MBE/WBE removed.
Exhibit B, Designation and Description of Services	
Para B, Itemization of Basic Services	This paragraph changed to include basic services only.
Para. B.1, Basic Services Project Studies	Utility Agreements and License Agreements added
Para. B.2, Customary Basic Services	All regulatory permits and approvals added
Para. B.3, Specialized Basic Services	Minor edits made to the services. Wetlands presence/absence determination and Leed consultation/certification services moved to this paragraph.
Para C, Itemization of Potential Additional Services	The additional services paragraphs previously under Para. B are now under Para. C.
Para, C.1, Additional Services	Special inspections, environmental Hazmat survey and testing, wetlands delineation and mitigation and invasive testing and exploration inserted
Para. C.3, Change Orders	Change order compensation percentage changed from Basic Services Fee percentage to a reference to Agreement Para. 4 and additional compensation other than the established percentage for change orders will be at the sole discretion of the Department.
Para. C.4 Scope Changes	New paragraph added for compensation for scope changes.
Para C.8, Meetings for Rezoning and Variances After First Request and Presentation	Identifies the review and development of any agreement required by a Municipality or Authority is Basic Services.
Para. C.9, On-Site Representation	Full time and part time added to the description.
Former 2010 Para C. 10 Master Planning	Removed.
Para. C.11, Re-Bidding	Re-Bidding is clarified as not eligible for additional services if required due to the action of the Professional.
Para. C.13, Revisions to Approved Drawings and Specifications	Clarifies that addressing revisions to documents due to Reviewer comments even after the DD approval are not considered additional services, unless they involve complete or major changes to the previously approved documents
Para C.14, Specialized Presentation Drawings or Models for Public Meetings	Further clarifies when special drawings and models required for public meetings are considered additional services.

Para. C.15, Special Studies	Water flow tests and site selection investigation have been added to, Special Studies.
Exhibit C, Nondiscrimination and Sexual Harassment Clause	
	<ul style="list-style-type: none"> Reference to the Pennsylvania Human Relations Act (PHRA) has been added. Requirement to post the Nondiscrimination/Sexual Harassment Clause added. Requirement to file Standard Form 100 Employer Information Report (EEO-1) with the U.S. Employment Opportunity Commission (EEOC) added. New paragraph 7 added which identifies the obligation pursuant to these provisions apply from execution of contract through termination. Also, the Contractor and each subcontractor are obligated to report actions or occurrences that may result in violations of the provisions.
Exhibit D, Contractor Integrity and Disclosure of Financial Interest Provisions	
	<ul style="list-style-type: none"> Definition of terms added. Requirement to post the Contractor Integrity Provisions added. A list of items has been added that the Contractor is required to certify have not happened in the last 5 years.
Exhibit G, Trade Practices Act Provisions	
	The provisions for restricting certain materials from discriminating countries has been added.
Exhibit H, Steel Products Provision	
	This exhibit has been inserted and Tax Liability Provision has been moved to Exhibit I.
General Conditions	
Table of Contents	The TOC has been updated in various places to address changes in the General Conditions. New Article 13, Small Diverse Business and Small Business Participation has been added.
Article 1, Definitions	Various definitions have been updated and some added.
Article 2.1 General Requirements	
2.1.100, Professional's Services	Use of e-Builder added
2.1.103, Professional's Consultants	Copies of Consultant's Agreements including Small Diverse Businesses and Small Businesses are to be provided to the Design Manager to upload to e-Builder.
2.1.107, Coordination of Services, Utilities and Existing Facilities	<ul style="list-style-type: none"> Clarified the Professional's coordination includes its Consultants in addition to the Department and the Client Agency. Clarified that the incorporation of findings and results from additional services products (work orders) into the design is Basic Services. Added the Professional's responsibility to notifying the Department of the need for utility agreements or ROW if new or modified services require access to Commonwealth property.
2.1.108, Coordination with Occupant Activities and Other Projects	Inserted new paragraph explaining the requirements for coordination of the project design with occupant activities and other ongoing projects
2.1.115, Statement of Probable Construction Cost	Base bids are required starting with the schematic design submission vs. starting with ICD. Base Bid 1 value changed to 90-95% of BCA vs. 80-85%. At least two base bids shall be within the BCA.
Article 2.2 Programming Submission	
2.2.105, Programming Submission Rejection	New paragraph added that discusses the Professional's responsibilities upon Programming Submission Rejection.

Article 2.8 Construction Procurement Services	
Former Article 2.8.102, Reproduction and Distribution of Bidding or Proposal Documents	Deleted since all bidding and proposal documents will be electronic in e-Builder
2.8.105, Payment Upon Award of Contract	New paragraph added to address payment to the Professional for bidding services when the construction contracts are awarded.
Article 2.9 Construction Contract Administration	
2.9.100, Scope of Services	The Professional is to provide two (2) completed paper copies of the contract documents to the BOC for construction.
2.9.102, Visits to the Site and On-Site Representation	<ul style="list-style-type: none"> • Site visits/meetings set in the agreement include a full day, up to 8 hours on site for each visit. • A meeting on a given day is counted as one (1) meeting regardless of the number of attendees. • Consultants are not required to attend more than one meeting within a 30-day period while construction work of the Consultant's expertise is in progress on the site. • A progress report is required for each site visit.
2.9.105, Progress Reports as to Construction	Submission timing of progress reports is changed from 7 days to 3 days after each job conference. Failure to timely submit progress reports may delay payment
2.9.107.B, Evaluation of Change Orders	If change order pricing is disputed, the Professional shall provide a detailed cost breakdown to substantiate its dispute of the contractor's cost.
2.9.107.D, Fees	Compensation for non-error/omission change orders will occur at one time, at final inspection or at a time determined by the Department.
2.9.108, Errors and Omissions	The article on error/omission change orders has been modified to include an assessment of the change order cost back to the Professional if the total of all error and omission change orders has exceed 2.5% of the contract award amount.
2.9.111, Standards of Quality	The term "basis of design" has been added to the standards of quality requirement.
2.9.115, Record Drawing Maintenance	New paragraph added to identify the Professional's ongoing responsibility to keep a record set of drawings up to date by incorporating changes resulting from RFIs change orders or other drawing information changes.
2.10.102, Punch List Completion Verification and Acceptance	Former article 2.10.102, Closeout Inspection, has been deleted and replaced with this new paragraph. The Department will direct the Professional when to make a site visit for verifying and accepting punch list work.
2.10.103, Construction Administration Beyond Scheduled Completion Date	Compensation for services beyond the scheduled completion date is further clarified that a Work order could be issued at the discretion of the department.
2.10.104, Department of L&I "Plan Revision" Submission	Added the requirement for the Professional to provide the DGS Design Project Manager and the Client Agency with a CD containing a pdf of the L&I Plan Revision Submission.
2.10.105, DGS Record Drawings	The deliverable for record drawings is changed to AutoCAD drawing files which become the property of the Department. Mylar copies no longer required.
Article 4, The Professional's Compensation and Payment	
4.1.102, Schedule of Payments During Design	<ul style="list-style-type: none"> • States the negotiated dollar value for each design stage is listed in the Agreement. • Clarifies the percentages for each design stage listed in this article are a guide to be used during negotiations. • A line item for procurement services (bidding) is added to the percentage table.

	<ul style="list-style-type: none"> The requirement to submit Small Diverse Business / Small Business Utilization Report at least 30 days prior to invoicing is added.
4.1.103, Schedule of Payments During Construction Administration	<ul style="list-style-type: none"> Clarifies the percentage listed in this article is a guide to be used during negotiations. The requirement to submit Small Diverse Business / Small Business Utilization Report at least 30 days prior to invoicing is added.
4.1.106, Change Orders	Clarifies payment for non-error/non-omission changes order will be a one-time payment after final inspection or at a time determined by the Department.
Article 6, Submittals	
6.1.100, Submittals Register	New article added to define the Professional's responsibility to prepare a submittal register.
Former 6.1.106, Records of Submittals	Deleted since the submittal log will be maintained in e-Builder.
Article 7, Professional's Responsibility for Consultants, Observance of Laws and Cooperation with Local Bodies, and Instruction Regarding Proprietary Items	
7.1.100, Responsibility	Clarifies that all services associated with permits and approvals is Basic Services.
Article 13, Small Diverse Business and Small Business Participation	
	New article added to the agreement General Conditions
Article 14, Disputes	
	New article added to the agreement General Conditions